Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament"

Report submitted by Malaysia

1. Malaysia reiterates its commitment to pursue the long-term goal of total and irreversible elimination of all nuclear weapons, and underscores the importance of the multilateral approach towards nuclear disarmament and non-proliferation.

2. Malaysia signed the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) on 1 July 1968, and ratified it on 3 May 1970, and remains committed to its obligations under the Treaty. Pursuant to its obligations under the Treaty, a comprehensive safeguards Agreement between the Government of Malaysia and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in Connection with the NPT was subsequently concluded on 29 February 1972.

3. In addition, a trilateral Agreement between the Government of Malaysia and the Government of the United States of America, and the IAEA, Concerning the Transfer of a Research Reactor and Enriched Uranium, or IAEA Project and Supply Agreement, was also concluded on 20 September 1980. This agreement can be considered as a back-up safeguards agreement to the IAEA Comprehensive Safeguards Agreement, with respect to the only nuclear research reactor that Malaysia has procured.

4. Malaysia signed the Protocol Additional to its Comprehensive Safeguards Agreement with the IAEA on 22 November 2005, and is currently taking steps to institutionalize its obligations under this Additional Protocol through a comprehensive review and update of its national nuclear-related laws and regulations.

5. With a view to achieving the universalization of the Treaty, Malaysia urges the three non-signatory States that remain outside the NPT to accede to the Treaty as non-nuclear-weapon States. Pending the accession of these three States to the NPT, Malaysia calls upon all States, including nuclear-weapon States, to impose a total

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and complete prohibition on the transfer of all nuclear-related material, resources, assistance and cooperation in nuclear scientific and technological fields to States that are non-parties to the Treaty, without exception. On this matter, Malaysia is of the view that such a state of affairs, whereby any non-party of the NPT is accorded preferential treatment in comparison to the NPT States parties, constitutes a gross violation of the spirit and letter of the Treaty.

6. Malaysia signed the Comprehensive-Test-Ban Treaty (CTBT) on 23 July 1998 and is finalizing a draft enabling legislation to facilitate ratification of the CTBT. While it is not among the States listed in annex 2 to the CTBT, Malaysia continues to urge the remaining 10 of the 44 States listed in annex 2 to the Treaty to take the necessary steps to sign or accede to and ratify the CTBT to facilitate its early entry into force. Pending entry into force of the Treaty, Malaysia urges the moratorium on nuclear tests to be sustained. Malaysia remains resolutely opposed to the conduct of nuclear tests by any country.

7. Malaysia continues to strongly believe in the need for undertaking genuine and concrete measures towards complete and irreversible nuclear disarmament, and also on the need for this matter to be accorded a priority position in the international agenda. Towards this end, Malaysia had, for the tenth consecutive year, at the sixty-first session of the United Nations General Assembly, introduced a resolution concerning the Follow-up to the Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons, which continues to receive overwhelming support from a majority of Member States. In that resolution (61/83), among others, the General Assembly continues to underscore the unanimous conclusion of the Court that "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control".

8. Malaysia believes that the final objective of all measures aimed at achieving complete and irreversible nuclear disarmament should ultimately lead to the conclusion and adoption of a Nuclear Weapons Convention. Towards that end, Malaysia has been working with global civil society in promoting this objective. In this regard, Malaysia strongly believes that the total elimination of nuclear weapons constitutes the only durable prescription and guarantee against the use or threat of use of such weapons of mass destruction, and their proliferation among States and non-States parties.

9. In the interim, Malaysia calls upon all nuclear-weapon States to refrain from undertaking measures to either, develop new and more sophisticated nuclear weapons, qualitatively improve existing nuclear arsenals, or adopt new strategic defence doctrines, which may set out the rationale for first use of nuclear weapons, and lower the threshold for their use. Malaysia is also opposed to any unilateral or selective reinterpretation of the provisions of the NPT, particularly on the obligations of the nuclear-weapons States to pursue general and complete nuclear disarmament under article VI of the Treaty, so as not to undermine the confidence of the non-nuclear-weapon States parties in the underlying original bargain of the Treaty.

10. At the regional level, Malaysia signed the Treaty on the South-east Asia Nuclear Weapons-Free Zone (SEANWFZ) on 15 December 1995, and ratified it on 11 October 1996. Malaysia is also continuing to work actively with other member States of the Association of Southeast Asian Nations (ASEAN) to this Treaty,

particularly in encouraging the nuclear-weapon States to accede as parties to the Protocol to the Treaty at an early date. Malaysia believes that this Treaty would create conditions conducive to durable peace and stability, and promote the building of confidence in the region. Malaysia is also of the view that the accession to the Protocol to the Treaty by nuclear-weapons States would effectively constitute a negative security assurance to the regional States parties of such nuclear-weapons-free zones.

11. Malaysia has also been consistently supportive of the strengthening of existing, and establishment of new nuclear-weapons-free zones, towards attaining the objective of global nuclear disarmament. Of particular importance is the call for the establishment of a nuclear-weapons-free zone in the Middle East, which Malaysia considers to be a matter of utmost urgency, in view of the increasing volatility in that region.

12. As a State party that has long disavowed nuclear weapons, Malaysia firmly values and reaffirms the inalienable right of States parties, particularly developing non-nuclear-weapon States parties, to develop research, production and use of nuclear energy, as well as the right to participate in the fullest possible exchange of equipment, material and technology for peaceful purposes, without discrimination and in conformity with their respective safeguards agreements, as enshrined under article IV of the Treaty. Malaysia has benefited greatly from the Technical Cooperation Programme of the IAEA, which is being reinforced by other regional and bilateral cooperative arrangements among NPT States parties and IAEA member States. From a recipient country, Malaysia is gradually becoming more of a donor country under the IAEA Technical Cooperation Programme in terms of the provision of experts to other developing countries.

13. Malaysia is cognizant of the fact that all Member States are obliged to implement United Nations Security Council resolutions 1540 (2004) and 1673 (2006) as one of the means of addressing concerns over the proliferation of weapons of mass destruction as well as their means of delivery and related goods, equipment and technology. In this regard, Malaysia continues to fully implement the provisions of the resolutions under the existing domestic legal framework.

14. Malaysia is deeply concerned with the practice of selectivity and discrimination, as well as the trend towards unilateralism in dictating the limits of research, production and use of nuclear technology for peaceful purposes. Malaysia calls upon the NPT States parties, particularly the advanced States parties in terms of nuclear technology development, to live up to their obligations in upholding the principles of transparency and non-discrimination, to ensure that all NPT States parties can benefit from the peaceful applications of nuclear technology.

15. On this matter, Malaysia reaffirms its full confidence in the role and professional ability of the IAEA to act as the sole verification Agency in ensuring the compliance of States parties with the nuclear non-proliferation safeguards provisions under the NPT. Malaysia further believes that the IAEA should be afforded the necessary time and space to undertake this verification role without undue interference.